

Appln No. 10/622,221
Amdt date March 17, 2010
Reply to Office action of December 17, 2009

REMARKS/ARGUMENTS

In the Office action dated December 17, 2009, the Examiner rejected claims 1, 2, 4, 9-17, 19 and 22-29 under 35 U.S.C. §103(a) as allegedly obvious over Cox, et al. (U.S. Patent No. 6,161,543) in view of Whayne, et al. (U.S. Patent No. 6,203,525). In making this rejection, the Examiner argues that the term "longitudinal axis" is very broad and can refer to several "axes" as illustrated in Examiner's Figure #1 on page 6 of the Office action. Applicant respectfully disagrees with the Examiner, as an "axis" is generally defined as a straight line with respect to which a body is radially or laterally *symmetrical*. As shown in Examiner's Figure #1, only one straight line drawn by the Examiner fits this definition, i.e., Axis D. The remaining lines are not axes as they are not straight lines with respect to which a body is radially or laterally symmetrical.

However, in an effort to expedite allowance of this application, Applicant has amended claims 1 and 17 along the lines suggested by the Examiner at page 12 of the Office action. In particular, Applicant has amended independent claims 1 and 17 to recite that the generally heel-shaped curve comprises a first bend away from a *first central longitudinal axis* of the catheter body and a second bend *distal the first bend* back toward and past the *first central longitudinal axis* of the catheter body, wherein the non-conductive tubing terminates in a generally straight distal end *having a second central longitudinal axis* that is generally transverse to the *first central longitudinal axis* of the catheter body, the *second central longitudinal axis* of the generally straight distal end of the non-conductive tubing forming an angle with the *first central longitudinal axis* of the catheter body ranging from about 75° to about 110°. As neither Cox nor Whayne, either alone or in combination, teach or suggest these features, independent claims 1 and 17, and all claims dependent therefrom, including claims 2, 4, 9-16, 19 and 22-29, are allowable over Cox and Whayne.

The Examiner also rejected claims 30-32 under 35 U.S.C. §103(a) as allegedly obvious over Cox and Whayne in view of one or more of Fung, et al. (U.S. Patent No. 6,129,476) and Swanson, et al. (U.S. Patent No. 5,961,513). However, each of claims 30-32 depend from one of

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independent claims 1 and 17, both of which are allowable over Cox and Whayne, as discussed above. Neither Fung nor Swanson remedy the deficiencies of Cox and Whayne as neither reference teaches or suggests the catheters recited in independent claims 1 and 17. Therefore, independent claims 1 and 17, and all claims dependent therefrom, including claims 30-32, are allowable over Cox, Whayne, Fung and Swanson.

Claims 1, 2, 4, 9-17, 19 and 22-32 now remain pending in this application. By this amendment, Applicant has amended claims 1 and 17 to place the claims in condition for allowance. The amendments find full support in the original specification, claims and drawings, and no new matter is presented. In view of the above amendments and remarks, Applicant submits that all of pending claims 1, 2, 4, 9-17, 19 and 22-32 are in condition for allowance. Applicant therefore respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By _____


Lauren E. Schneider
Reg. No. 63,712
626/795-9900

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